

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE

PATRICIA S. GREEN

V.

MARINER HEALTH OF  
NEWPORT, ET AL

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NO. 2:04-CV-63

ORDER

The defendant has filed a Motion to Compel the plaintiff to furnish certain documents [Doc. 71]. As evidenced by paragraphs 3 and 4 of the Motion, it could be characterized as a “preemptive” motion.

Defendant sought plaintiff’s W-2 forms for the tax year 2000 through the date of the trial (Request for Production # 12), and plaintiff’s pay stubs or other documents relating to income for the period from January 1, 2004 to the date of trial (Request for Production # 13). On December 9, 2004, plaintiff responded to Request for Production # 12 by asserting that defendant already had, or should have had, copies of the W-2's for all years except for 2004, and she agreed to furnish that “when available.”

As to Request for Production # 13, plaintiff agreed to furnish any information not protected by privilege or attorney work product.

According to defendant’s Motion, these documents have not yet been furnished.

Inasmuch as this is June, 2005, plaintiff should have long had in her possession her 2004 W-2 and any other documentation reflecting her total income through 2004. The Motion to Compel is GRANTED. These documents shall be furnished with ten (10) days of the entry of this order.

SO ORDERED:

s/ Dennis H. Inman  
United States Magistrate Judge